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12 *Attorneys for Plaintiff
Federal Deposit Insurance Corporation as
Receiver of Washington Mutual Bank*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

17 FEDERAL DEPOSIT INSURANCE
18 CORPORATION AS RECEIVER OF
WASHINGTON MUTUAL BANK.

19 Plaintiff,
20 vs.
21 NEVADA TITLE COMPANY,
Defendant

CASE NO. 2:14-cv-01567-JAD-GWF

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
JOINT PRETRIAL ORDER**

(Fourth Request)

23 Plaintiff, Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank
24 (“FDIC-R”) and Defendant, Nevada Title Company (“Nevada Title”) (collectively the “Parties”),
25 by and through their respective counsel, hereby file this Stipulation and Order to Continue the
26 Deadline to File the Joint Pre-Trial Order an additional three weeks to December 7, 2017. This
27 request complies with Local Rules (“LR”) IA 6-1, IA 6-2, and 26-4, and is supported by good
28 cause as set forth herein.

1 **A. INTRODUCTION**

2 This case arises out of Nevada Title's closing of a real estate transaction that was funded,
3 in part, by a loan issued by Washington Mutual Bank. The real estate transaction was
4 subsequently determined to have been a fraud perpetrated by the seller, buyer, and others
5 involved in the transaction. FDIC-R contends Nevada Title failed to comply with the
6 Washington Mutual Bank's Closing Instructions, which allegedly caused it to sustain damages
7 when the buyer defaulted on the loan. On March 30, 2017, the Court issued an order on the
8 Parties' respective motions for summary judgment and ordered a settlement conference. (ECF
9 No. 51). The parties attended the settlement conference in good faith but were unable to resolve
10 this matter. The parties agreed to continue their good faith efforts to resolve this matter, and
11 participated in a private mediation on October 26, 2017. The parties reached a settlement in
12 principle and are continuing to draft and negotiate the terms of a long form settlement agreement.
13 Accordingly, the parties respectfully request that the deadline to file the joint pretrial order be
14 extended an additional three weeks, to provide the parties additional time to finalize the terms of
15 the final written settlement agreement without prejudicing their clients' rights in this case.

16 **B. CURRENT SCHEDULE**

17 Discovery is closed. The Joint Pretrial Order is due on or before September 18, 2017.

18 **C. PROPOSED SCHEDULE**

19 The Parties propose extending the deadline for filing the Joint Pretrial Order from
20 November 16, 2017, to December 7, 2017.

21 All other deadlines shall remain in effect.

22 **D. DISCOVERY COMPLETED BY THE PARTIES**

23 Discovery is closed.

24 **E. DISCOVERY REMAINING TO BE COMPLETED**

25 None.

26 **F. STATEMENT OF GOOD CAUSE SUPPORTING THIS REQUEST**

27 Good cause exists for extending the deadline to file the Joint Pretrial Order. The parties
28 have worked diligently to prepare the Joint Pretrial Order. However, prior to finalizing the Joint

1 Pretrial Order, the parties agreed to participate in a private mediation in an attempt to resolve this
2 case without further judicial involvement. The parties conducted this private mediation on
3 October 26, 2017, and reached a settlement in principle. The parties believe this litigation will
4 be best served to continue the deadline to file the Joint Pretrial Order an additional three weeks
5 from its current deadline of November 16, 2017 to December 7, 2017. The parties submit that
6 good cause exists for the requested extension, which will allow the parties to finalize the terms of
7 the final written settlement agreement.

8 Under LR IA 6-1 and LR 26-4, the parties submit that the failure to submit this
9 stipulation more than twenty-one days before the deadline is the result of excusable neglect. The
10 parties have been working diligently to finalize the written settlement agreement and were
11 hopeful to have it executed prior to the November 16, 2017 deadline. The parties promptly
12 submitted this stipulation for the Court's consideration once it became apparent that the parties
13 would be unable to finalize and execute the written settlement agreement prior to the current
14 deadline. The parties had intended in good faith to comply with the current deadline to file the
15 Joint Pretrial Order. However, upon reaching a settlement in principle, the parties jointly agreed

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1 that the litigation would best be served by continuing the deadline to file the Joint Pretrial Order
2 until after the conclusion of the mediation.

3 DATED this ____ day of November, 2017

DATED this ____ day of November, 2017

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5 **WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP** **KOLESAR & LEATHAM**
6

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19 **ORDER**

20 **GOOD CAUSE SHOWN, IT IS HEREBY ORDERED** that the deadline for the Parties
21 to file the Joint Pretrial Order, currently set for November 16, 2017, shall be continued to
22 December 7, 2017.

23 Dated this 17th day of November, 2017

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26 UNITED STATES MAGISTRATE JUDGE
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